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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,997	11/20/2000	Robert C. Ross, Jr.	36956-168147	6701

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VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/24/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,997

Applicant(s)

ROSS, JR., ROBERT C.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 have been elected and have been examined.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5 579 472 A to Keyworth, II et al.

Regarding claim 1, Keyworth discloses a shared multi-user e-mail system on a single computer, comprising:

a shared computer; (Figure 1, element 20; column 3, lines 33-45)

a multi-user e-mail system configured to run on said shared computer configured to enable a plurality of users, one at a time, to access said multi-user e-mail system running on said shared computer; (column 1, lines 32-34; column 2, lines 52-63)

a multi-user graphical user interface (GUI) (Figure 3) configured to display concurrently current status of multiple email accounts of said plurality of users (column 4, lines 21-41),

wherein said multi-user GUI permits one user of said plurality of users at a time to access an e-mail user account environment of said one user of said plurality of users on said multi-user e-mail system, wherein said one user, if authenticated, can access only said e-mail user account environment belonging to said one user, wherein each of said e-mail user account environments includes an inbox, an outbox, and at least one personal file folder (column 6, lines 38-67); and

a network interface coupled to said shared computer through which e-mails can be routed to destination addresses not included in said multi-user e-mail system.

(Figure 1, element 26; column 3, lines 45-54)

Regarding claim 2, Keyworth discloses the system according to claim 1, wherein said multi-user GUI includes an indication of the priority of e-mail received in said multi-user e-mail system enabling prioritization of access to said shared computer by said users. (column 4, lines 42-56)

Regarding claim 3, Keyworth discloses the system according to claim 2, wherein said indication of priority includes at least one of the following indications of priority: an audio; a visual; a color; an iconic; a communications to a communication device; a page to a pager; a numeric; an alphabetic; a letter; a character; an alert; and a wireless alert. (column 4, lines 42-56)

Regarding claim 5, Keyworth discloses a real time multi-user graphical user interface (GUI) comprising:

a status module enabling a computer to indicate current status of multiple email accounts of a plurality of users, concurrently, on a shared multi-user computer. (column 4, lines 21-41)

Regarding claim 6, Keyworth discloses the GUI according to claim 5, wherein said status module comprises:

a priority indicator enabling the computer to indicate priority of access to the shared multi-user computer. (column 4, lines 42-56)

Regarding claim 7, Keyworth discloses the GUI according to claim 6, wherein said priority indicator comprises at least one of:

a visual indicator; an audio indicator; a color indicator; a numeric indicator; a alphabetic indicator; an alphanumeric indicator; an iconic indicator; a communication; a communication device; an alert; a wireless alert; and a page. (column 4, lines 42-56)

Regarding claim 8, Keyworth discloses the GUI according to claim 5, wherein said status module comprises:

a new mail indicator enabling the computer to indicate that a new mail has arrived for one of said plurality of users of said shared multi-user computer. (Figure 3, element 50e; column 4, lines 42-56)

5. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by "Special Edition Using Microsoft Office 97 Professional, Best Sellers Edition" ("Microsoft Office").

Regarding claim 9, "Microsoft Office" discloses an electronic mail system comprising:

a user-assignable personal file folder. (page 780, specifically "subfolder")

Regarding claim 10, "Microsoft Office" discloses the system according to claim 9, wherein emails sent from at least one of a sender and a recipient automatically stored in one or more of said user-assignable personal file folders. (page 780, specifically "Sent Items"; see also 804, specifically the text "There is an Inbox Assistant, which can automatically process messages as they arrive...An event is typically the delivery of a message to the Inbox...Typical actions include moving the message to a special folder...")

Regarding claim 11, "Microsoft Outlook" discloses the system according to claim 10, wherein said user assignable file folders are automatically tagged by the email address of a sender of a received email and a receiver of a sent email. (page 780, specifically "Sent Items"; see also 804, specifically the text "There is an Inbox Assistant, which can automatically process messages as they arrive...An event is typically the delivery of a message to the Inbox...Typical actions include moving the message to a special folder...")

Regarding claim 12, "Microsoft Outlook" discloses the system according to claim 9, wherein each of said user-assignable personal file folders comprises a dynamic, active read receipt report stored on a system of a sender of an email (page 808, "Using Receipts", particularly "Tell me when this message has been read").

Art Unit: 2143

Regarding claim 13, "Microsoft Outlook" discloses the system according to claim 12, wherein said dynamic, active read receipt report comprises a single file indicating read receipt status indicating which of a plurality of recipients of an email have and have not accessed said email (page 808, "Using Receipts", particularly "Tell me when this message has been read").

Regarding claim 14, "Microsoft Outlook" discloses the system according to claim 13, further comprising tracking a date and time of access by one of said plurality of recipients (page 731, specifically the text "Incoming messages are delivered to your "Inbox", which is shown in Figure 36.3 [Examiner's note: see page 732]. They are listed in a table which indicates...when it was received..."; page 808, specifically the text "Receipts are delivered to the Inbox just like regular email...")

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keyworth.

Regarding claim 4, Keyworth discloses the system according to claim 1.

Keyworth does not disclose wherein the system is used in at least one of a production, operations, healthcare, retail, hospital, and nursing environments.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The system would perform the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the nonfunctional descriptive material with the claimed invention because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 093 918 A to Heyen et al;

US Patent 5 956 486 A to Hickman et al;

US Patent 6 189 032 B1 to Susaki et al;

US Patent 6 247 045 B1 to Shaw et al;

Temple, Bob. "The Complete Idiot's Guide to Microsoft Outlook 2000", published by Alpha Books, Indianapolis, Ind., April 1999;

Moore, K. "Request for Comments (RFC) 1891: SMTP Service Extension for Delivery Status Notifications", published by Network Working Group, January 1996;

Fajman, R. "Request for Comments (RFC) 2298: An Extensible Message Format for Message Disposition Notifications", published by Network Working Group, March 1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Monday-Saturday 5:30am-10pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100